



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Kara O'Connell, Site Operator
Captain Joseph J. O'Connell, Inc.
180 River Street
Fall River, MA 02720
captainoconnell@comcast.net

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Date: 2023.01.30 16:48:36
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Subject: December 16, 2022, EPA Inspection of Captain Joseph J. O'Connell Co., Inc.

Dear Ms. O'Connell:

On December 16, 2022, the U.S. Environmental Protection Agency (EPA) performed an inspection at Captain Joseph J. O'Connell Co., Inc., located at 180 River Street, Fall River, MA ("the Facility" or "site"), regarding compliance with the National Pollutant Discharge Elimination System program of the Clean Water Act ("CWA"). A copy of the inspection report is included as an attachment to this letter along with a photo album.

The industrial activities taking place at the Facility are classified under the Standard Industrial Classification ("SIC") code 4493 (Marinas) which is an applicable code under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP") (Sector Q – Water Transportation Facilities). EPA notes that the Facility has had coverage under the 2015 MSGP (ID MAR053102) and 2021 MSGP (ID MAR05J05S).

To demonstrate that you are taking action to come into compliance with the CWA, please respond within 30 days of receipt of this letter to the following questions/comments in an electronic format to me, at bednarz.damian@epa.gov.

Supplementing the inspection report is a list of observed deficiencies at your Site. We have included references to the 2021 MSGP¹ to help you understand your specific obligations under the permit. In addition, due to the Facility's fuel and oil storage capacity, we have described below your obligations under the Oil Pollution Prevention regulations, which may include development of a Spill Prevention Control and Countermeasure ("SPCC") plan.

¹ <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

Observed Deficiencies

1) Unauthorized Discharge of Process Waste Water

As described in Parts 2.1.2.9 and 8.Q.3.1.1 of the 2021 MSGP, non-stormwater discharges not explicitly authorized by the MSGP or another NPDES permit are prohibited. The site currently uses a sediment capture bag to filter pressure wash water, capturing some particulate matter, but otherwise allows the wash water to escape containment and drain into the Taunton River via an outflow pipe (slide 22). This pressure washing discharge water is **not allowed** to be discharged into surface water. It must be disposed of to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately (such as trucking offsite). Explain what steps you are taking to cease all unauthorized discharges of wash water into the Taunton River.

2) Site Stormwater Discharge Sampling

As describe in Part 4.1.1 of the 2021 MSGP, applicable monitoring requirements apply to each discharge point authorized by this permit, except as otherwise exempt from monitoring as a “substantially identical discharge point” (“SIDP”), including a minimum of one grab sample on a quarterly frequency. Facility representatives indicated to inspectors that the site ceased sampling in 2013 and that the discharge from which it had been sampling before that time flowed from a Municipal Separate Storm Sewer System (“MS4”) outfall of the Town of Fall River. This sampling location is not representative of stormwater associated with an industrial activity occurring on the site. Sampling should be taken at all discharge points identified within the Stormwater Pollution Prevention Plan (“SWPPP”) (currently Outfalls 1–4). The results of these samples should be uploaded to **NetDMR**.

3) SWPPP Stormwater Discharge Points

As described in Part 6.2.2.3 of the 2021 MSGP, a SWPPP must include the locations of stormwater discharge points (also known as outfalls) and include a unique identification code for each point. During the inspection, several unlabeled discharge points were observed around the perimeter of the site (slides 10 and 11) that were not identified within the SWPPP, nor labeled on the site map. Update the SWPPP with all discharge points and submit a change NOI reflecting these changes.

An outfall, as defined in the MSGP, is a location where collected and concentrated stormwater flows are discharged from the facility. These discharge points may be defined as “substantially identical” if two or more discharge points discharge substantially identical stormwater effluent (i.e., the general industrial activities, exposed materials, control measures, and runoff coefficients in the drainage areas of each discharge point are sufficiently similar; see Parts 3.2.4.5 and 6.2.5.3(d) of the 2021 MSGP). Although stormwater discharge from the boat wash area is a unique activity and therefore requires its outfall to be sampled, some of the multiple outfalls from the boat storage area may be identified as substantially identical discharge points.

4) Minimizing Boat Wash Particulate Escape

As described in Part 2.1.2.2(d) of the 2021 MSGP, efforts must be made to “minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.” EPA inspectors observed that detritus resulting from the boat washing process (barnacles, shells, metal chips, paint chips, etc.) escaped containment within the boat washing area and were flowing toward outfall #3 (slides 19, 23, 25). Efforts should be made to contain and remove this matter after a boat is washed to minimize pollutant discharges during storm events. You should update the Facility’s SWPPP with best management practices (“BMPs”) that will address this issue.

5) Scrap Metal Dumpster

As described in Part 2.1.2.2(c) of the 2021 MSGP all dumpsters should be properly checked for leaks and discharges and have well-fitted lids. Inspectors observed a scrap metal dumpster that was in a dilapidated condition (slide 44) and metal shavings and debris were visible on the ground around the dumpster. You should replace or repair the container and ensure it is protected from storm events that could lead to pollutant migration.

6) Spill Prevention and Response Concerns

As described in Part 2.1.2.4 of the 2021 MSGP, a site must minimize the potential for leaks, spills, and other releases that may be exposed to stormwater. In subsection (d), the MSGP requires that containers that could leak or spill be “plainly labeled.” Inside of Building 1, there were multiple unlabeled barrels of both diesel and wash fluid that were difficult to identify during the inspection (slides 45 and 49). You should properly label these barrels.

Inspectors observed that the Facility’s spill prevention kit was not easily accessible from the fuel pumping station due to its placement in Building 1. To reduce response times in the event of a spill or release of oil, the kit should be moved closer to the fuel pumping station so it is readily accessible. As described in Part 2.1.2.4(g) of the MSGP, additional spill kit materials should be added near each potential source of spills. This includes the Facility’s outside used oil container.

7) SWPPP Deficiencies

In addition to the changes listed above, your SWPPP should accurately present all such changes. Your site’s SWPPP must include:

- a) any changes made to outfall locations or identification of additional outfalls;
- b) the approximate location of all BMPs designed to restrict stormwater;
- c) the location of oil and oil-related product storage;
- d) any addition or change to Facility BMPs

8) Spill Prevention Control and Countermeasure (“SPCC”) Plan

In addition to the requirements under the MSGP identified above, it appears that your Facility is subject to the requirements of the Oil Pollution Prevention regulations located at 40 C.F.R. Part 112. These requirements apply to every facility that:

- Stores, transfers, uses or consumes oil or oil products, such as diesel fuel, gasoline, lube oil, hydraulic oil, adjuvant oil, crop oil, vegetable oil or animal fat; and
- Has more than 1,320 gallons in total of aboveground above-ground oil storage capacity (only count containers with 55 gallons or greater storage capacity) or more than 42,000 gallons in completely buried oil storage capacity; and
- Could reasonably be expected to discharge oil to navigable waters of the U.S. or adjoining shorelines, such as lakes, rivers, and streams.

Based on the above-ground oil storage capacity observed by EPA inspectors at the time of the inspection it appears you are required to prepare and implement an SPCC Plan.² Provide your SPCC plan to EPA, or describe what measures you took to reduce the total above-ground oil storage capacity to below 1,320 gallons.

Please provide a response, addressing the deficiencies noted above, to me within 30 days of receipt of this letter. You may refer any questions related to technical issues in this letter to me, Damian Bednarz, at 617-918-1482 or bednarz.damian@epa.gov. Legal issues may be directed to Sam Horowitz, Enforcement Counsel, at (617) 918-1512 or horowitz.samuel@epa.gov.

Sincerely,

Damian Bednarz, Inspector
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report
Inspection Photo Album

CCs (electronic only):

Dan Disalvio, MASS DEP SERO
Susannah King, MASS DEP
Todd Callahan, MASS CZM
Sam Horowitz, Enforcement Counsel, US EPA

² Because it appears your site has less than 10,000 gallons of oil storage capacity, has no aboveground oil storage container greater than 5,000 gallons, and has no history of oil discharges, your site can self-certify its SPCC plan. Further information and templates can be found [here](#).